



# CITY OF MORGAN HILL

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17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

## CITY COUNCIL AGENDA

### REGULAR MEETING

WEDNESDAY, NOVEMBER 4, 1998

Morgan Hill Civic Center  
Council Chambers  
17555 Peak Avenue  
Morgan Hill, California 95037

Mayor  
Mayor Pro Tempore  
Council Member  
Council Member  
Council Member

Dennis Kennedy  
Cynthia J. Cook  
Hedy L. Chang  
J. Robert Foster  
Bev E. Freeman

**7:00 P.M.**

**CALL TO ORDER**  
( Mayor Kennedy)

**ROLL CALL ATTENDANCE**  
(City Clerk Torrez)

**DECLARATION OF POSTING OF AGENDA**  
Per Government Code 54954.2  
(City Clerk Torrez)

**SILENT INVOCATION**

**PUBLIC SERVICE ANNOUNCEMENT**  
Eric Hilding

**PLEDGE OF ALLEGIANCE**

**PRESENTATIONS**  
*Certificate of Appreciation*  
Bill Weber  
Planning Commissioner

**CITY COUNCIL REPORT**  
Mayor Kennedy

**CITY MANAGER'S REPORT**

**CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY'S REPORT**

**PUBLIC COMMENTS**

Mayor Kennedy

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to Three Minutes. We appreciate your cooperation.

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS EVENINGS AGENDA.**

**CONSENT CALENDAR:**

The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

**1. SEPTEMBER FINANCE AND INVESTMENT REPORT**

**Recommended Action:** Accept and file report.

**2. REAPPORTIONMENT OF ASSESSMENTS - MORGAN HILL BUSINESS RANCH**

**Recommended Action:** 1) Adopt attached resolution, approving the amended assessment diagram and reapportion assessments, 2) approve the Notice of Amended Assessment, giving public notice of the revised assessments for recordation with the County Recorder's Office, and 3) approval and acceptance of the application to apportion special assessment submitted by the project/property owner - Morgan Hill Development Partners, L.P. and purchaser of a portion of that property identified as Assessment #7-1, #7-2, #7-3, #7-4, #33, #34, #35, #36, #37, #38, #39, #40, #41, #42, #43, #44, #45, and #46.

**3. ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR DUNNE LANDING**

**Recommended Action:** 1) Adopt the attached resolution accepting the public improvements for Dunne Landing and 2) Direct the City Clerk to file a Notice of Completion with the County Recorder's office.

**4. REIMBURSEMENT TO DUNNE LANDING DEVELOPER FOR UNDERGROUNDING OF OVERHEAD UTILITIES**

**Recommended Action:** 1) Appropriate \$27,834 from the Undergrounding Fund fund balance for this reimbursement and 2) Authorize the reimbursement to ISM/Dunne-Condit for the undergrounding of overhead utilities in the amount of \$27,834, from 350-86360-8057.

**5. ADDITIONAL APPROPRIATION OF \$13,300 IN FY 98/99 FOR THE CORPORATION YARD FUEL LEAK CLEAN UP ACTIVITIES**

**Recommended Action:** Appropriate an additional \$13,300 in the FY 98/99 budget to increase funding for the fuel tank repair and clean up activity as outlined below.

**6. RESOLUTION DECLARING WEEDS TO BE A NUISANCE**

**Recommended Action:** Adopt resolution declaring weeds to be a nuisance and setting December 2, 1998 as the date for the Public Hearing regarding weed abatement.

**7. CITY COUNCIL MEETING SCHEDULE FOR THE HOLIDAYS**

**Recommended Action:** Approve the City Council meeting schedule as described in the executive summary.

**8. APPROVAL OF REGULAR MEETING MINUTES OF OCTOBER 21, 1998**

**LEGALLY NOTICED PUBLIC HEARINGS:**

**9. ZONING AMENDMENT APPLICATION ZA 98-15: CITY OF MORGAN HILL - ZONING ORDINANCE CLEAN UP**

**Recommended Action:** Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action- Motion to waive the reading in full of the ordinance;

Motion to introduce ordinance by title only.

**10. EXPANSION OF SOLID WASTE DIVERSION SERVICES**

**Recommended Action:** Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action - Motion to authorize the City Manager to execute the Franchise Agreement.

**11. AMENDMENTS TO CABLE TELEVISION ENABLING ORDINANCE AND RENEWAL OF CABLE TELEVISION FRANCHISE**

**Recommended Action:** Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action- Motion to waive the reading in full of the urgency ordinance;

Motion to introduce urgency ordinance by title only.

Action - Motion to adopt urgency ordinance (4/5ths vote required);

Action - Motion to adopt resolution authorizing the City Manager to execute the Franchise Agreement;

Action - Motion to adopt budget recommendations per Attachment D - net general fund gain is \$25,200; new special fund with revenues of \$151,000 and expenses of \$151,000.

**OTHER BUSINESS:**

**12. CITY ATTORNEY EMPLOYMENT AGREEMENT**

**Recommended Action:** Approve the attached employment agreement and authorize the Mayor to execute the agreement.

**13. SITE REVIEW APPLICATION SR 98-19: CONDIT-ROYAL INN**

**Recommended Action:** Review and give comments, concerns and direction to applicant and staff.

**14. SITE REVIEW APPLICATION SR 98-24: E. DUNNE AVE.-SHAW**

**Recommended Action:** Review and give comments, concerns and direction to applicant and staff.

**15. ORDINANCE SPECIFYING THE DUTIES AND RESPONSIBILITIES OF THE CITY ATTORNEY**

**Recommended Action:** 1) Waive the reading in full of the City Attorney ordinance, and 2) Introduce the City Attorney ordinance by title only.

**16. AMENDMENT TO AGREEMENT WITH THE LAW FIRM OF JORGENSON, SIEGEL, MCCLURE & FLEGEL, LLP, FROM THE PROVISION OF INTERIM CITY ATTORNEY SERVICES**

**Recommended Action:** Authorize the City Manager to execute the attached third amendment to the Agreement with the Law Firm of Jorgenson, Siegel, McClure & Flegel, LLP.

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

This is an opportunity for members of the City Council to request items for future agendas.

Note: in accordance with government code section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

**ADJOURNMENT**

**FUTURE COUNCIL AGENDA ITEMS:**

1. Policy regarding Action Minutes - request from Mayor Pro Tem Cook
2. Resolution recommending increase to stipends for City Clerk & City Treasurer
3. YMCA annual report
4. General Plan Amendment (GPA) - Morgan Hill School Site
5. Sign Code Enforcement Report -- A-Frame Signs
6. Award Contract for Butterfield Extension
7. Award contract for ADA park upgrades

**OPEN PUBLIC COMMENT PERIOD (3 MINUTES)**

Following the opening of Council business, the public may present comments on items **NOT** appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

**SPEAKER CARDS**

In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if you would fill out the speaker card that is available on the counter in the Council Chambers. Please fill out a card and return it to the City Clerk. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. Please limit your remarks to 3 minutes.

**NOTICE**

**AMERICANS WITH DISABILITIES ACT (ADA)**

The City of Morgan Hill complies with the Americans with Disabilities Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Torrez, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

**NOTICE**

Notice is given, pursuant to Government Code Section 65009, that any challenge of Agenda Items #9 through #11 in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

**NOTICE**

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.